

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) BICH NGOC NGUYEN, and)	
(2) THUONG NGOC LE)	
)	
Plaintiffs,)	Case No. CIV-16-0429-HE
)	
v.)	
)	
(1) AMERICAN NATIONAL PROPERTY)	
AND CASUALTY CO.,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441, 1446 and Fed. R. Civ. P. 81, Defendant American National Property and Casualty Company (“ANPAC”), a foreign corporation, gives notice of removal from the District Court of Canadian County, State of Oklahoma, to the United States District Court for the Western District of Oklahoma. In support of this Notice of Removal, ANPAC states as follows:

1. Plaintiffs Bich Ngoc Nguyen and Thuong Ngoc Le (hereinafter collectively referred to as “Plaintiffs”) initiated this action by filing a Petition in the District Court of Canadian County, State of Oklahoma, on March 24, 2016, captioned *Bich Ngoc Nguyen and Thuong Ngoc Le v. American National Property and Casualty Company, Canadian County Case No. CJ-2016-151*, alleging breach of contract, breach of the duty of good faith and fair dealing, deceit, and violations of the Oklahoma Unfair Settlement Practices Act, 36 O.S. § 1250.5 et. seq., (“OUSPA”) and the Oklahoma Consumer Protection Act, 15 O.S. § 753 et seq., (“OCPA”), all arising out of Defendant’s alleged failure to pay

Plaintiffs for damages claimed by them under their insurance policy. *See* Petition, attached hereto as Exhibit 1.

2. Summons was issued for service of process upon Defendant on March 24, 2016. *See* Summons, attached hereto as Exhibit 2.

3. Although service of process has not yet been made upon Defendant, Defendant first became aware of the Plaintiffs' state court Petition on March 30, 2016.

4. This Notice of Removal is being filed with this Court within 30 days of the date upon which Defendant was made aware of Plaintiffs' state court Petition and provided a copy of same. The state court Petition was the initial pleading setting forth the claims for relief upon which this removal is based, and this Notice of Removal is therefore timely pursuant to 28 U.S.C. § 1446(b).

5. Plaintiffs affirmatively state that they are residents of Yukon, Canadian County, Oklahoma. *See* Exhibit 1 at ¶ 2.

6. Plaintiffs' claims are for breach of contract, bad faith, deceit, and violations of the OUSPA and OCPA. Plaintiffs explicitly seek damages "in an amount in excess of \$75,000.00, for actual and punitive damages, costs, interest, attorney fees, and any other relief that the Court may during this lawsuit find appropriate." *See* Exhibit 1 at Prayer for relief.

7. Defendant ANPAC is a foreign insurer. It was formed and exists under the laws of the State of Missouri and has its principle place of business in Springfield, Missouri. *See* Exhibit 1 at ¶ 3.

8. In accordance with 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders are attached hereto as Exhibit 1 and 2, as well as a copy of the Canadian County District Court docket sheet, Exhibit 3, representing all documents filed or served in this case to date.

9. This Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1332(a)(1), by reason of the fact that this is a civil action wherein the amount in controversy, according to Plaintiffs' own state court petition, exceeds Seventy-Five Thousand Dollars (\$75,000.00) and that there is complete diversity of citizenship between Plaintiffs and Defendant. Accordingly, this action may be removed by Defendant pursuant to 28 U.S.C. § 1441(a).

WHEREFORE, Defendant requests this Notice of Removal be accepted by this Court, and that this lawsuit proceed as an action properly removed to this Court's jurisdiction.

Respectfully submitted,

s/ Andrew C. Jayne

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ATTORNEYS FOR DEFENDANT
AMERICAN NATIONAL PROPERTY
& CASUALTY, CO.

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of April, 2016 I electronically transmitted this Notice of Removal to the Clerk of the Court using the ECF System for filing to the ECF participants:

Timothy B. Hummel, Esq.
500 W. Main St., Ste. 102
Oklahoma City, OK 73102
tim@hummellawoffice.com

ATTORNEY FOR PLAINTIFFS
BICH NGOC NGUYEN &
THUONG NGOC LE

Additionally, pursuant to 28 U.S.C. § 1446(d), true and correct copies of the Notice of Removal were delivered to:

Marie Ramsey-Hirst
301 N. Choctaw St.
P.O. Box 730
El Reno, OK 73036

s/ Andrew C. Jayne
Andrew C. Jayne